

Annual 47 C.F.R. § 64.2009(e) CPNI Certification

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2007

Date filed: **September 16, 2008**

Name of company covered by this certification: **Metro Fiber Networks, Inc.**

Form 499 Filer ID: **826366**

Name of signatory: **Gary Tarpley**

Title of signatory: **President**

I, Gary Tarpley, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See 47 C.F.R. § 64.2001 et seq.*

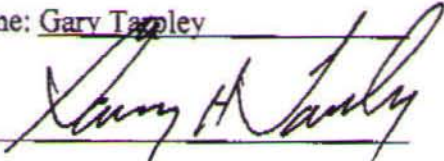
Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules.

The company has not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year. Companies must report on any information that they have with respect to the processes pretexters are using to attempt to access CPNI, and what steps companies are taking to protect CPNI.

To date, the company does not have customers and has not initiated the provision of regulated telecommunications services. The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI. Nor is the company aware of any instances involving unauthorized disclosure of CPNI or improper access of CPNI by company employees or access by individuals not authorized to receive or view the information.

Printed Name: Gary Tarpley

Position: President

Signature: 

Date: 9/16/06

**STATEMENT ON METRO FIBER NETWORKS, INC.'S POLICY ON
USE OF CUSTOMER PROPRIETARY NETWORK INFORMATION**

Summary

The purpose of this statement is to memorialize the policy of Metro Fiber Networks, Inc. and its affiliates (collectively, "MFNI") on the use of Customer Proprietary Network Information ("CPNI"). MFNI does not have and has never had presubscribed customers for telecommunications services. As a result, MFNI is not currently in receipt of any CPNI.

MFNI is aware of the Federal Communications Commission ("FCC") rules and regulations governing CPNI and its procedures are in compliance with these rules.¹ MFNI is committed to the protection and non-disclosure of its customers' CPNI in compliance with existing rules and regulations. To that end, MFNI is in the process of implementing its regulatory compliance programs and will ensure that appropriate programs are in place prior to initiating the provision of regulated telecommunications services.

Any questions regarding this policy or any use of CPNI should be directed to:

Gary Tarpley
Metro Fiber Networks, Inc.
423 Redoubt Road
PO Box 1516
Yorktown, VA 23692
Phone: (757) 890-0143
Fax: (757) 369-1875

Inquiries regarding any suspected violations by other carriers of the federal rules described in this policy should be directed to Gary Tarpley as well.

I) USE OF CPNI WITHOUT CUSTOMER APPROVAL

Once operations are initiated, MFNI may use, disclose or permit access to CPNI without having to obtain customer approval, including:

- 1) To initiate, render, bill and collect for telecommunications services;
- 2) To protect the rights or property of MFNI, or to protect users or other carriers from fraudulent, abusive, or illegal use of, or subscription to, such service;
- 3) To market services within the package of services to which the customer already subscribes; and,
- 4) To complete inside wiring installation, maintenance, and repair services.

¹ 47 U.S.C. § 222.

II) USE OF CPNI WHEN CUSTOMER APPROVAL IS REQUIRED

If MFNI's use of CPNI does not fall within one of the categories set forth in Section I of this policy, then MFNI will acquire customer approval before proceeding with such use. MFNI will utilize either the "Opt-Out" or "Opt-In" method at its discretion. MFNI will finalize these methods prior to initiate services.

III) ADDITIONAL SAFEGUARDS

These safeguards will be implemented prior to initiating the provision of regulated telecommunications services:

- 1) **Customer Status:** MFNI will implement a system where a customer's CPNI approval status is clearly indicated on the customer's records.
- 2) **Training:** All MFNI personnel will be trained as to when and how CPNI may be used.
- 3) **Disciplinary Action:** Failure to abide by the MFNI's CPNI policy will result in disciplinary action, including possible termination, in accordance with the company's then current employment policies and procedures in place.
- 4) **Marketing Campaigns:** Any MFNI affiliated company that utilizes CPNI in marketing campaigns must create a record specifying when and how CPNI was used and to whom it was disclosed or to whom access was permitted. This record must include a description of the campaign, the CPNI used, and the products and services offered in the campaign. Copies of all records will be retained by Karen Dupke. The records will be maintained for at least one year.
- 5) **Outbound Marketing:** All sales personnel are required to obtain supervisory approval of any proposed outbound marketing request for customer approval.
- 6) **Carrier Authorization Requirements:** In order to prevent data broker or "pretexters" from illegally collecting CPNI information, MFNI will not release call detail information to customers during customer-initiated telephone contact except when the customer provides a password. If a customer does not provide a password, MFNI will either send it to an address of record or call the customer at the telephone of record. MFNI also requires mandatory password protection for online account access. MFNI will provide CPNI to customers based on in-store contact with valid photo identification.
- 7) **Reporting:** MFNI is aware of its obligation to report any breach in CPNI policy. Records pertaining to breaches will be kept for at least two years.